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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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UNITED STATES OF AMERICA,

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Plaintiff,

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v.

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EDWARD COSTELLO,

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Defendant.

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CASE NO. CR03-424P

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PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

INTRODUCTION

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I conducted a hearing on alleged violations of supervised release in this case on December 13, 2005. The United States was represented by Patricia Lally. The defendant was represented by Paula Deutsch. The proceedings were recorded on disk.

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CONVICTION AND SENTENCE

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Defendant had been convicted of Possession and Use of False Identification Document, on or about January 7, 2005. The Hon. Marsha J. Pechman of this court sentenced Defendant to two years of supervised release.

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The conditions of supervised release included requirements that defendant comply with the standard thirteen conditions.

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DEFENDANT'S ADMISSION

USPO Michael Larson alleged in reports dated September 13, and 15, 2005, that Defendant violated the conditions of supervised release in four respects:

- (1) Failing to report to the probation office as instructed on August 23, 2005, and August 25, 2005, in violation of standard condition number two;
- (2) Failing to participate as instructed by the probation officer for treatment of narcotic addiction or drug dependency by being terminated from the program in violation of his special conditions of supervision;
- (3) Consuming alcohol on or before September 12, 2005, in violation of the special condition requiring he abstain from the use of alcohol during the term of supervision.
- (4) Leaving the judicial district on or before September 15, 2005, without the permission of the Court or probation office, in violation of standard condition number one.

At an initial hearing, I advised the defendant of these charges and of his constitutional rights. At today's hearing Defendant admitted violations numbered one through four, waived any hearing as to whether it occurred, and, consented to having the matter set for a disposition hearing before the Hon. Marsha J. Pechman.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that Defendant has violated the conditions of his supervised release as alleged and set the matter for a disposition hearing.

Defendant has been detained pending a final determination by the court.

DATED this 15th day of December, 2005.

M Bentan

MONICA J. BENTON
United States Magistrate Judge
Marsha J. Pechman
ia Lally
Deutsch
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cc: Sentencing Judge
Assistant U.S. Attorney
Defense Attorney
U. S. Probation Officer